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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/919,391

07/31/2001

Gregory P. Fitzpatrick

BOC9-2000-0084(219)

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7590

07/02/2009

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/919,391	Applicant(s) FITZPATRICK ET AL.	
	Examiner WILLIE J. DANIEL JR	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: NONE.
 Claim(s) objected to: NONE.
 Claim(s) rejected: 1, 23 and 24.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Charles N. Appiah/
 Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant's arguments filed 19 June 2009 have been fully considered but they are not persuasive. The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the comments in this section and Final Action mailed on 21 April 2009).

2. In the present response of the instant application, the applicant's arguments are basically repetitious arguments addressed by the Examiner in the Final Action mailed on 21 April 2009. The applicant's arguments essentially do not traverse the issue(s) as addressed in the Final Action. Therefore, in view of the reasons above, the FINAL Action is hereby maintained.

3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 1 on pg. 8, 3rd full par., "...does not disclose prompting the originating party to decide whether or not to receive information local to the receiving party..."; and pg. 9, 2nd full par., "...does not disclose querying the originating party as to whether to display the current location information of said receiving party, wherein whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query..."; and pg. 11, 2nd full par., "...not the current date...", the Examiner respectfully disagrees. Applicant has failed to interpret and appreciate the combined teachings of well-known prior art Rignell and other applied art that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. As a note, the claim language includes whether or not which is alternative language. In particular, Rignell discloses the language as related to the claimed feature(s)

prompting the originating party utilizing the originating PCD to decide whether or not to receive information local to the receiving PCD (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request as evidenced by the fact that one of ordinary skill in the art would clearly recognize prompting is disclosed whether automatic or a manual operation to provide the requested information. For example, the system can inform the caller of the information via a display or voice request (see col. 7, lines 15-18), where the caller can select an option for presenting the information. Furthermore, Rignell discloses the information about the local time of the time zone (see col. 5, lines 16-20), where the local time of the time zone is relative to the time of day and the day is associated with a week, month, and year.; and

querying the originating party as to whether to display the current location information of said receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information; and

wherein whether or not the current local information of the receiving party is displayed depends on an answer of the originating party to the query (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information. As further support in the same field of endeavor, Seppo at the least discloses the language as related to the claimed feature(s) querying the originating party as to whether to display the current location information of said receiving party (see par. bridging pgs. 6-7). As further support in the same field of endeavor, Brisebois at the least discloses the feature(s) local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9; col. 1, lines 30-34.), where system has a called party context information that is provided to the calling party as predial information, and where the system has context information such as date, time, subject, called number, and cell site (see col. 3, lines 7-9; col. 4, line 70 - col. 5, line 5; col. 5, lines 18-35). Therefore, the combination(s) of the reference(s) Rignell, Seppo, Brisebois, and other applied art as addressed above more than adequately meets the claim limitations.

4. Regarding applicant's argument(s) of claims 23-24, the claims are addressed for the same reasons as set forth above and as applied in each claim rejection of the Final Action.